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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/647,829	05/15/96	OLANIYAN	2879-M

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EXAMINER

VINCENT, D

ART UNIT	PAPER NUMBER
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2713

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DATE MAILED: 01/29/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/647,829

Applicant(s)
O. Olaniyan

Examiner
David R. Vincent

Group Art Unit
2713



☐ Responsive to communication(s) filed on _____

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-9 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-9 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For example:

Claim 1 line 1, specifies an "apparatus" and then line 2 specifies a "system". It appears that the applicant needs to change the term in line 1 to a "system".

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

3. Claims 1-2, 6, and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Wagner et al. (US 5,544,228).

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As shown in Figs. 1-2, Wagner discloses a telephone communication system (ISDN or POTS line, Figs. 1-2 or summary), a plurality of receivers (Audio gear 206 which can comprise of a computer 104 and microphones, see column 8, lines 20-47, receiving broadcast audio signals, see i.e. column 7, line 41-column 8, line 9), a central station assembly means (base site, LAN, WAN, server, phone company/PSTN) connected to telephone communication system (public telephones, public switching telephone network/PSTN, plain old telephone/POTS lines), a customer interface unit (telephone, cellular telephone, or a computer connected to the telephone line) for accessing central station (i.e. PSTN or central office) and for receiving signals (broadcast audio, column 4, lines 61-67 or digital signals, column 3, lines 29-67) from said receiver means (Audio gear 206 which can comprise of a computer and microphones), and mass storage means (phone company's message retrieval system).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 1-4, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by the Examiner's personal knowledge and/or taking of official notice.

The Examiner has personal knowledge (from working in various communications fields, as an engineer during the years 1983-1995) and takes official notice that it is notoriously well known for analog or digital cellular phones to use amplitude, frequency or other modulation schemes to broadcast electromagnetic waves to a base/ground stations or satellites and to be able to leave or record messages on mass storage means which are remotely accessed by people using the PSTN (conventional telephone communication systems) or cellular phones which are connected to the PSTN. A basic cellular system can comprise: a plurality of receivers (which can be considered to be the receivers at base/ground stations), a central station assembly means (mobile switching office/MSO, central office, clearing house, or call processing station) connected to telephone communication system (public telephones, public switching telephone network/PSTN, plain old telephone/POTS lines), a customer interface unit (telephone, cellular telephone, or a computer connected to telephone line) for accessing central station (i.e. PSTN or central office) and for receiving signals (phone call placed by cellular user or stored messages) from said receiver means (receivers at the

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base/ground stations), and mass storage means (phone company's message retrieval system).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Examiner's personal knowledge and taking of official notice.

The Examiner has personal knowledge of and takes official notice that it is well known to use computer software (i.e. Microsoft's NetMeeting) in a computer to computer or Client-Server environment for the purpose of controlling a first computer (which serves as a receiver and has a radio and/or television card installed in it) with a second computer (which is at a remote location).

A computer or client-server system can comprise: a plurality of receivers (which can be considered to be the a radio

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and/or television card installed in it computers), a central station assembly means (local area network/LAN, wide area network/WAN, Ethernet, PSTN or server) connected to telephone communication system (public telephones, public switching telephone network/PSTN, plain old telephone/POTS lines), a customer interface unit (a computer connected to a telephone line, 56kbps, ISDN, etc.) for "accessing" the central station (i.e. PSTN or central office, LAN, Ethernet or WAN) and for receiving signals (live broadcasts of radio and/or television programs) from said receiver means (receivers in remote computers), and mass storage means (disks, discs, ROMs, hard drives, tape, etc.). The Examiner personally demonstrated listening to another person's broadcasted voice (sent into a microphone) controlling a radio receiver and a CD-ROM, which were installed in a computer in Australia from Johns Hopkins University (JHU) in Maryland and playing live music (received in Australia) on speakers connected to a computer in a lab at JHU in Maryland.

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Claim Rejections - 35 USC § 103

8. Claims 3-5, and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner as applied to claim 1 above, and further in view of Glick et al. (US 5,283,819).

However **Wagner** fails to particularly call for an AM/FM tuner, as specified in claim 3; a volume control, as specified in claim 4; a treble or bass control, as specified in claim 5; a TV tuner, as specified in claim 7; a SW tuner, as specified in claim 8.

As shown in Figs. 1, 4-5, 42, and 49, **Glick** teaches an AM/FM tuner (i.e. 48, Fig. 1; 256, Fig. 4; 306, Fig. 5 or Fig. 42 see respective disclosure), as specified in claim 3; a volume control (272, Fig. 4 or 318, Fig. 5 see respective disclosure), as specified in claim 4; a treble or bass control (272, Fig. 4 or 318, Fig. 5 see respective disclosure), as specified in claim 5; and a TV tuner (344, Fig. 5; 46, Fig. 1 or Fig. 42 see respective disclosure), as specified in claim 7.

Regarding the SW tuner, as specified in claim 8, the Examiner takes official notice that SW tuners are notoriously well known and that SW or "short-wave" defines the size of a wave and not necessarily a modulation scheme. In other words v-fλ

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where v -velocity (i.e. 3×10^8 m/s², the speed of light, f =frequency and λ =wavelength. Therefore "wave" or λ as in short-wave relates to $\lambda = v/f$. In other words, the AM/FM tuner in Wagner can receive short-waves if the tuner is re-tuned to except the frequency or inversely, the wavelength of SWs. It is considered obvious if not inherent for the tuner in Wagner to be re-tuned to receive short-waves or to further include a separate SW tuner, for the purpose of expanding the received frequencies and be able to transmit and receive signals on more frequencies, as in more carrier frequencies, or to receive more radio stations.

The Examiner has personal knowledge of and takes official notice that it is well known to use computer software (i.e. Microsoft's NetMeeting) in a computer to computer or Client-Server environment for the purpose of controlling a first computer (which serves as a receiver and has a radio and/or television card installed in it) with a second computer (which is at a remote location). The Examiner has personally demonstrated listening to another person's broadcasted voice (sent into a microphone) controlling a radio receiver and a CD-ROM, which were installed in a computer in Australia from Johns Hopkins University (JHU) in Maryland and playing live music (received in Australia) on speakers connected to a computer in a lab at JHU in Maryland.

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Therefore it would have been obvious to one of ordinary skill in the art, having both Wagner and Glick before him/her and with the teachings [a] as shown in Wagner, that it is well known to receive broadcast signals convert said signals for the purpose of transmitting said signals over phone lines or the Internet and [b] as shown in Glick, that it is well known to receive AM/FM and television signals using a "TV or radio card" and a computer and to use the obvious audio controls, such as volume, treble, and bass to adjust the received audio signals, to modify the computers in Wagner to further include/specify using a "TV or radio card/tuner" with the computers disclosed in Wagner and to use the obvious audio controls, such as volume, treble, and bass to adjust the received audio signals. This system can be used for many different reasons, such as placing telephone calls over the Internet, playing radio or television from remote computers holding classes over the Internet and/or inputting camera signals into a remote computer, in a client-server environment.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Alwadish and Lemelson et al., both disclose conventional tuners. Binns et al., Schiller et al., Schulhof et al., Clynes,

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Goodman, Iwami et al., Hylton, and Goldman all disclose interactive systems/audio-on-demand systems.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David R. Vincent whose telephone number is (703) 305-4957.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications
intended for entry)

Or:

(703) 308- 5399 (for informal or draft
communications, please label "PROPOSED" or
"DRAFT")

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Hand-delivered responses should be brought to Crystal
Park II, 2121 Crystal Drive, Arlington. VA., Sixth
Floor (Receptionist).

IMPORTANT NOTICE

Effective November 16, 1997, the Examiner handling this
application will be assigned to a new Art Unit as a result of the
consolidation into Technology Center 2700. See the forth coming
Official Gazette notice dated November 11, 1997. For any written
or facsimile communication submitted ON OR AFTER
November 16, 1997, this Examiner, who was assigned to Art
Unit 2615, will be assigned to **new Art Unit 2713**. Please include
the new Art Unit in the caption or heading of any communication
submitted after the November 16, 1997 date. Your cooperation in
this matter will assist in the timely processing of the
submission and is appreciated by the Office.



David R. Vincent

January 7, 1997



KENNETH P. CHIN
SUPERVISORY PATENT EXAMINER
GROUP 2700